

## MONTANA LEGISLATURE

## American Indians in the Montana Legislature 1989 - Present

The number of American Indians serving in the Legislature is based on self-reporting of legislators to the Legislative Services Division. Cultural heritage information was not collected prior to 1989. According to 2006 census estimates, American Indians make up 7.4% of the population of Montana.

Session	Senate	House	Total	Percentage of All Members
2009	3	6	9	6%
2007	3	7	10	6.6%
2005	2	6	8	5.3%
2003	1	6	7	4.6%
2001	1	4	5	3.3%
1999	0	2	2	1.3%
1997	0	2	2	1.3%
1995	0	1	1	0.6%
1993	0	2	2	1.3%
1991	0	2	2	1.3%
1989	0	1	1	0.6%

Amendments to Senate Bill No. 379  
2nd Reading Copy

Requested by Senator Gary Perry

For the Senate Judiciary Committee

Prepared by David Niss  
March 17, 2009 (8:17am)

1. Page 1, line 12.

**Strike:** "reckless"

**Insert:** "willful"

2. Page 1, line 15.

**Strike:** "reckless"

**Insert:** "willful"

3. Page 1, line 16.

**Strike:** "reckless"

**Insert:** "willful"

4. Page 1, lines 20 and 21.

**Strike:** subsection (a) in its entirety

**Renumber:** subsequent subsections

5. Page 2, line 16.

**Strike:** "including"

**Insert:** "excluding"

6. Page 2, line 19.

**Strike:** "Real property or commercial"

**Insert:** "Commercial"

7. Page 2, line 20.

**Strike:** "property"

**Insert:** "commercial fixtures or equipment"

8. Page 2, line 22.

**Strike:** "real property or"

9. Page 2.

**Following:** line 27

**Insert:** "(4) This section does not apply to a church, church property, or the property of a corporation or other organization exempt from taxation pursuant to 26 U.S.C. 501(c)(3)."

**Renumber:** subsequent subsection

March 20, 2009

Senate Judiciary Committee  
Montana State Legislature  
Capitol Building  
Helena, Montana

Re: SB 379

Dear Mr. Chairman and Members of the Committee:

For the record, my name is Carol Ferguson. I submit this testimony on my own behalf and out of respect and concern for our friends and neighbors and, especially, our children.

Our Declaration of Independence and our Constitution's Bill of Rights offer us common sense, worthwhile ideals, and remarkable protections. But we are "tuned out." We pay, and we extract, a terrible price when we fail to learn from our own history – the good and the bad of it. Instead of focusing our minds, energies and resources on the real, complex and tough problems that confront us, we, repeatedly, avoid grappling with those challenges by looking for scapegoats – someone vulnerable to blame and "beat up on," so that, maybe, we will feel more powerful and in control. In the process, we do great damage to ourselves as well as to others.

The anti-immigrant bills introduced this session would inflict injustices and misery on ordinary, hard-working people, their families, and their communities. These are not noble "let's uphold the law" bills. They are "witch-hunting" bills, and their target is our immigrants – documented and undocumented -- people we welcome into our communities, our neighborhoods, our families. The immigrants themselves are not the problem. The problems are employers that take advantage of immigrants; agencies that fail to process their paperwork in a timely and responsible manner; and a fear-driven mentality that has lashed into being federal policies and laws that run roughshod over the very rights and principles that are the basis of our society. The arrogance, hostility, and violence with which these policies and laws are being implemented spills over onto everyone.

Instead of becoming increasingly harsh and destructive in our enforcement of ill-conceived and hostile laws, let's do an entirely legal, appropriate, constructive, and beneficial thing: let's change our federal laws and policies. Let's put a stop to the abuses committed on immigrants and citizens alike by ICE and the Border Patrol. Let's free ICE, the Border Patrol, and our federal courts to deal with the real problems that are challenging public safety and public well-being. Let's use our resources for beneficial purposes, not destructive ones.

How short-sighted and ironic that we would even consider bills like these at the same time we, as a State and as a nation, are, at last, publicly acknowledging our culpability and expressing our remorse for the many offenses we have committed – to Native Americans; African-Americans; Japanese-Americans; to "other" Protestants and Catholics, Jews and Muslims, Irish and Italian, Polish and German, Chinese and Japanese, to people who exercised their right of free speech and spoke their minds in unpopular ways at difficult times, war time, McCarthy time, the present time... How many rights we have violated and how much needless misery we have caused? Among those whose rights and dignity we have violated, and whose health we endangered, were the "braceros" who came here from Mexico during World War II, at our urgent request, to provide us with a work-force we desperately needed. Without them we might not have survived as a nation.

But all of the subsequent remorse, apologies and belated reparation cannot undo the devastation inflicted on individuals, families, and communities. Nor does it undo the damage we have done ourselves.

How ironic that at the same time a vindictive bill like SB 379 is being presented here, elsewhere in the state people are working in our communities and schools to help our children understand how utterly destructive bullying is, for the victim, for the perpetrator, and for the community.

If our children are to live in peace, they need to learn to become peacemakers and peacekeepers. They need to learn to communicate with those whose views and lives differ from theirs. In becoming problem-solvers, they need to learn to work with – not against – people. They need to learn to appreciate the people who inhabit the world in which they live.

SB 379 would take us in exactly the wrong direction.

Listen, please, to what you know, not what you fear. If, in our search for safety, we treat everyone else as the enemy, eventually, we may become right, but we'll be much less safe.

Being an undocumented immigrant is not a criminal offense, it is a civil violation. But, through deliberate manipulation, other federal laws and policies are being used to criminalize all immigrants. We need to work toward changing attitudes, policies and laws that threaten to deprive us all of equal protections under the law, and undermine and violate that which is best about this country.

Years ago while I was at a conference with people representing several industries and local, state, and federal governments, I heard one of my favorite one-liners: "I wish the federal government would learn that if it's not worth doing, it's not worth doing well."

If "it" violates civil, international and human rights, it is not worth doing at all.

We have options. In twenty minutes the people in this room could put together the outline of a plan by which, rather than destroying individuals, families, businesses, and communities, we could, instead, work toward strengthening them. Imagine being able to relieve someone of the burden of fear, isolation, and poverty. Imagine being freed of the burden of fear, isolation, and anger.

Please vote NO to SB 379. We are all of us worth more than that.

Sincerely,



Carol L. Ferguson  
P.O. Box 163  
Clancy, MT 59634